

REMARKS

This amendment is responsive to the Office Action mailed on January 3, 2002.

Claims 14, 16, 19, 22, 28 and 35 - 65 are pending in the application. Claims 28, 35-37 and 41-55 are allowed. Applicants wish to express appreciation to the Examiner for the allowed claims. Claims 14, 16, 39, 40 56 – 58 and 60 – 65 are rejected and claims 19 and 59 are objected to.

Claims 14, 61, 62, 64 and 65 are amended herein. New claims 66-69 are added herein.

The Examiner points out in Paragraph 1 that Applicant is obligated under 37 CFR 1.56 to point out the inventor and the invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a). Applicants submit that at the time of the invention all of the claims were commonly owned.

Claims 14, 16, 39, 40 56 – 58 and 60 – 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belluci in view of Dries. The rejection is hereby traversed. The Examiner asserts that Belluci teaches a video camera system that may be used to capture the image of a subject 48 and feeds the image to a personal computer 51. Applicants' invention in claim 14, 16 39, 40, 56 – 58 and 60 - 65 does not include a personal computer of any kind. Instead, in Applicants claim 14, the memory module is contained within the video camera system, the barcode scanner is directly connected to the video camera system, the electrical signal, received from the barcode scanner is interpreted within the video camera system to identify the element to the video camera system and

the digital video image of the element is stored in the memory module, which as stated above, is contained within the camera system. According to Applicants' Figures 1 and 2, and the specification on pages 10 – 14, the camera system of the present invention is an integrated infrared camera system having, a camera body that houses the image capture system, a data entry device, a display device, a microprocessor, an A/D converter, a memory, a lens system and programmed instructions as well as data associated with survey elements. Accordingly, the camera system of claims 14 and 61 performs all of the steps of the claims without any need to interact with a personal computer.

The Examiner further states that the scanner 64 reads encoded information 70 of the card 60 and feeds the information into the computer 51. This is completely different from Applicants invention according to claims 14 and 61 which scan a barcode with a barcode scanner directly connected to the video camera system and, in claim 14, “interprets the electrical signals, (from the barcode scanner,) within the video camera system,” and, in claim 61, “displays the predetermined element name on a display device of the video camera system”.

Accordingly, Applicants submit that the Examiner has failed to establish a *prima facie* case of obviousness with regard to any of the rejected claims because there is no suggestion or motivation in the prior art of record to combine a barcode scanner with a camera system and because the prior art of record does not teach or suggest all the claim limitations. However, since the Examiner has repeatedly rejected the claims failing to recognize Applicants invention as an independent camera system, a system which is independently operable without any personal computer needed to perform the functions of the claimed invention, Applicant's have elected to amend the remaining independent

claims to more clearly identify the video camera system as an independent system according to that which Applicants regard as the invention.

Accordingly independent method claims 14 and 61 are amended herein to add the following method step relating to the camera system;

“providing a video camera system comprising a digital data processor, a video data capturing system and a memory module each housed within a camera body.”

In addition, the connection of the barcode scanner to the camera system has been amended to add the following limitation,

“a barcode scanner directly connected to the video camera system by a port in the camera body.”

Clearly none of the prior art of record teaches such a video camera system. Moreover, none of the prior art of record performs the method steps of amended independent claim 14 and 61. Accordingly, it is hereby respectfully submitted that amended independent claims 14 and 61 are clearly patentable over Belluci in view of Dries and over any of the prior art of record whether taken alone or in combination. With regard to dependent claims 62, 64 and 65, these claims are amended according to corresponding amendments made in claim 61 to further clarify the invention. With regard to rejected dependent claims 16, 39, 40 56 - 60 and 62 - 65, these claims further limit the amended independent claims 14 and 61 and therefore even further distinguish over the prior art of record.

Applicant's respectfully submit that the rejection of claims 14, 16, 39, 40 56 – 58 and 60 – 65 under 35 U.S.C. 103(a) as being unpatentable over Belluci in view of Dries is improper because of the reasons stated above. However, even if the Examiner disagrees,

the rejection of claims 14, 16, 39, 40 56 – 58 and 60 – 65 under 35 U.S.C. 103(a) as being unpatentable over Belluci in view of Dries is clearly overcome by the amendments made herein. Reconsideration and withdrawal of the rejection is hereby respectfully requested.

Claims 19 and 59 are objected to as being dependent on rejected claims. For the reasons stated above, it is submitted that the rejection of the base claims is overcome and the objection to claims 19 and 59 is moot. Reconsideration and withdrawal of the objection to claims 19 and 59 is hereby respectfully requested.

Claims 22 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belluci/Dries as applied to claim 14 above, and further in view of Wakabayashi.

Applicants respectfully submit that for the reasons stated above, the rejection of the base claims over Belluci/Dries is overcome and the rejection over Wakabayashi is moot.

Reconsideration and withdrawal of the rejection of claims 22 and 38 under 35 U.S.C. 103(a) as being unpatentable over Belluci/Dries as applied to claim 14 above, and further in view of Wakabayashi is hereby respectfully requested.

New claims 66 - 69 are added herein. Claims 66-67 are directed to a method for capturing a video image, which is not taught or suggested in any of the prior art of record. New claims 68-69 are directed to a video camera system, which is not taught or suggested in any of the prior art of record.

Applicants respectfully submit that the application is in condition for allowance. If the Examiner feels that a personal or a telephonic interview would be useful to discuss any amendments to the claims that would put the application in condition for allowance, Applicants representative would welcome such an opportunity and can be reached by telephone at 781-863-6480, or e-mail at "kelley.ima@rcn.com".

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